

RENE L. VALLADARES
Federal Public Defender
State Bar No. 11479
JASON F. CARR
Assistant Federal Public Defender
Nevada State Bar No. 006587
411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
(702) 388-5819 (fax)
jason_carr@fd.org

Attorney for Petitioner **Peters**

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILSON O. PETERS,

Petitioner,

v.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:14-cv-01055-APG-VCF

**MOTION FOR LEAVE TO FILE
EXHIBITS UNDER SEAL AND
NOTICE OF SEALED FILING
(EXHIBITS 41 – 45, CR 28)**

COMES NOW, Petitioner, Wilson O. Peters, through his attorneys of record, Jason F. Carr, Assistant Federal Public Defender, hereby moves this Court pursuant to Federal Rules of Civil Procedure 5.2(d) and Rule 10-5 of the Local Rules of Practice of the United States District Court for the District of Nevada for leave to file the following exhibits under seal.

No.	DATE	DOCUMENT	COURT	CASE #
41.	10/03/09	Psychiatric Evaluation – Daniel Sussman, M.D., MBA		
42.	10/07/09	Competency Report – Greg Harder, Psy.D.		
43.	11/16/09	Competency Evaluation – Catherine Choi Pearson, Ph.D.		
44.	11/29/09	Psychiatric Evaluation –		

		Lindell Bradley, M.D.		
45.	12/03/09	Psychological Evaluation of Competency to Stand Trial – Robert F. Behrens, Ph.D.		

This motion is based upon the following points and authorities, as well as all pleadings, documents and exhibits on file in this matter.

DATED: November 3, 2015

RENE L. VALLADARES
Federal Public Defender

/s/ Jason F. Carr

JASON F. CARR
Assistant Federal Public Defender
Attorney for Wilson Peters

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge
DATED this 13th day of November, 2015.

POINTS AND AUTHORITIES

On November 10, 2014, Petitioner filed his First Amended Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. § 2254. (See Clerk's Record (CR) 8). Peters contemporaneously filed Exhibits 1 through 40. (See CR 9-12.) Petitioner now seeks to include the above exhibits in the record before this Court (CR 28). While public access to judicial filings and documents is favored, *see Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978), a party may have a judicial record sealed by demonstrating "compelling reasons" that outweigh the public policy favoring disclosure, including that records may be used improperly. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006).

Petitioner asserts that there are "compelling reasons" to seal the above exhibits in this case. Exhibits 41 through 45 contain medical records in regards to psychological therapy and examinations for Petitioner. As such, sealing these exhibits will aid in protecting the privacy of Petitioner. Sealing these medical records also protects Peters' rights under federal legislation such as the Health Insurance Portability and Accountability Act (HIPAA).

For the foregoing reasons, Petitioner requests that the above exhibits be filed under seal.

DATED: November 3, 2015

RENE L. VALLADARES
Federal Public Defender

/s/ Jason F. Carr

JASON F. CARR
Assistant Federal Public Defender
Attorney for Wilson Peters

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the office of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on November 3, 2015, she served a true and accurate copy of the foregoing to the United States District Court, who will e-serve the following addressee:

Jeffrey M Conner
Deputy Attorney General
Nevada Attorney General
100 N Carson St.
Carson City, NV 89701
Email: jconner@ag.nv.gov

/s/ Leianna Jeske
An Employee of the Federal Public
Defender Office